



**BENICIA PLANNING COMMISSION
CITY COUNCIL CHAMBERS**

REGULAR MEETING MINUTES

**May 10, 2007
7:00 P.M.**

I. OPENING OF MEETING

- A. Pledge of Allegiance**
- B. Roll Call of Commissioners**

Present: Chair Fred Railsback, Commissioners Kyle Daley, Dan Healy, Mike Ioakimedes, Bonnie Silveria and Scott Strawbridge

Absent: Commissioner Richard Bortolazzo (excused)

Staff Present: Senior Planner Damon Golubics
Contract Attorney Kat Wellman
Administrative Secretary Gina Eleccion
Senior Admin Clerk Stacy Hatfield

- C. Reference to Fundamental Rights of Public -** A plaque stating the Fundamental Rights of each member of the public is posted at the entrance to this meeting room per Section 4.04.030 of the City of Benicia's Open Government Ordinance.

II. AGENDA CHANGES AND DISCUSSION

None.

III. OPPORTUNITY FOR PUBLIC COMMENT

- A. WRITTEN**

None.

- B. PUBLIC COMMENT**

None.

IV. CONSENT CALENDAR

On motion of Commissioner Silveria, seconded by Commissioner Daley, the Consent Calendar was approved by the following vote:

Ayes: Commissioners Daley, Healy, Ioakimedes, Silveria, Strawbridge and Chair
Railsback
Noes: None
Absent: Commissioner Bortolazzo
Abstain: None

A. Approval of Agenda

B. Planning Commission Minutes of April 12, 2007

V. REGULAR AGENDA ITEMS

A. 3673 MALLARD DRIVE

07PLN-8 Variance for Sign Height
3673 Mallard Drive, APN: 80-090-290

PROPOSAL:

The applicant requests approval of a variance to allow for a new freestanding sign approximately 55 feet in overall height. According to Benicia Municipal Code Section 18.16.050, no part of a freestanding sign may extend over 20 feet above the normal contour of the land or surrounding terrain of the business it serves. Other previously approved sign height variances have allowed freestanding signs in the City's industrial area to be no taller than 45 feet high.

Recommendation: Planning Commission hold a public hearing, take testimony and consider all relevant documents and approve a variance to allow a new freestanding sign approximately 55 feet in overall height located at 3673 Mallard Drive, based on the findings and conditions in the proposed resolution.

Damon Golubics, Senior Planner, gave a brief overview of the project. He provided information on various sign variances approved by the Planning Division. He noted that the proposed billboard moratorium issue being heard by Council should not be considered in relation to this project.

Commissioners commented on the height and would like to see story poles used in the future. They questioned if this was approved, if they are setting a precedent. Kat Wellman noted that variances are considered on a case-by-case basis. Property owners must show a hardship based on the specific conditions of their property.

Commissioners expressed concerns with the billboard moratorium in relation to this project. Damon Golubics noted that this is on-site signage. Kat Wellman noted that this

is a sign advertising the business on the property. Billboards are specifically defined as free-standing signs that advertise businesses that are not related to the property where they are located.

The public hearing was opened.

Damon Richmond, Applicant – He noted that they have been working on the project for awhile and have tried to satisfy the needs of the City. He stated that he is available to answer questions.

Jeanine Seeds, 775 West K Street – She stated her concern with approving a variance for a 55’ tall sign. She believes the rules should be followed instead of approving a variance.

John Goddard, Ahern Rental – He commented on the importance of advertising and the fact that a 20’ sign would not be visible. He noted that his business caters to contractors.

The public hearing was closed.

Commissioners questioned if there are any similar applications in the process. Damon Golubics noted that there are no other applications.

Commissioners discussed the specific issues with this property. There are concerns with the height of the sign. Commissioners noted that this is an industrial park and should be treated accordingly. There was a suggestion to lower the sign to 45’. There are concerns with Council’s moratorium, though that is specific to billboards.

Kat Wellman clarified what a variance is. There need to be specific findings that there is a hardship related to the property.

Commissioners would like to make sure that the point of sale is in Benicia. Commissioners would like to add a condition that the sign is removed if business changes hands. Damon Golubics suggested language that sign shall be removed when property is vacated (sign and pole within 60 days). Commissioners discussed timers for the illuminated sign. Commissioners commented on the visual impact of the sign.

Commissioner Daley made a motion, seconded by Commissioner Silveria, to approve the proposed Resolution. There were 3 votes supporting the motion and 3 votes not supporting the motion, as noted below, thus the proposed variance was denied consistent with the rules and procedures governing the Planning Commission.

Ayes:	Commissioners Ioakimedes, Silveria and Strawbridge
Noes:	Commissioners Daley, Healy and Chair Railsback
Absent:	Commissioner Bortolazzo
Abstain:	None

RESOLUTION NO. 07-8 (PC) - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BENICIA DENYING A VARIANCE (07PLN-8) FOR A SIGN HEIGHT EXCEPTION AT 3673 MALLARD DRIVE

VI. COMMUNICATIONS FROM STAFF

Damon Golubics noted that there were handouts for the Commissioners.

Damon Golubics noted that there is a full agenda for the June 14th meeting.

Gina Eleccion noted that Commissioner Bortolazzo was not in attendance due to a conflict of interest (property ownership) with the property at 3673 Mallard Drive.

VII. COMMUNICATIONS FROM COMMISSIONERS

None.

VIII. ADJOURNMENT

Chair Railsback adjourned the meeting at 7:49 p.m.